



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

LAURA B. LENSKI,
Plaintiff,

vs.

SOUTH CAROLINA DEPARTMENT OF
MENTAL HEALTH,
Defendant.

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Civil Action No. 3:23-cv-387-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
DISMISSING THIS CASE WITHOUT PREJUDICE,
AND DEEMING AS MOOT DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Laura B. Lenski (Lenski) filed this civil action against Defendant South Carolina Department of Mental Health (the Department), alleging racial discrimination and retaliation.

Upon the death of Lenski, her counsel served upon Lenski's sons a suggestion of death.

To date, no motion for substitution has been filed. As per Fed. R. Civ. P. 25(a)(1),

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending the Court dismiss this matter under Rule 25(a)(1) of the Federal Rules of Civil Procedure. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 30, 2024. To date, no objections have been filed.

“[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case under the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court this case is **DISMISSED WITHOUT PREJUDICE**.

Because this matter is dismissed, the Department’s motion for summary judgment is necessarily **DEEMED AS MOOT**.

IT IS SO ORDERED.

Signed this 3rd day of September 2024, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE